

LS 5-2217a

15 November 1955

MEMORANDUM FOR: Chief, Far Eastern Division

SUBJECT : Reimbursement Claim [redacted]

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1. I refer to your memorandum of 8 September 1955 transmitting a travel claim of [redacted] and requesting our opinion as to whether the claim is reimbursable.

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2. The facts, according to the two memoranda and subsequent conversations we have had with [redacted] and with representatives of FE, NEA and MPD, are these. Prior to his present association with this Agency, [redacted] was stationed [redacted]. In April 1955 he received orders transferring him to [redacted] and authorizing 30 days delay en route. Accordingly, he and his family (wife and three children) proceeded, separately, to Dallas where he took a number of days leave. While in Dallas on leave, [redacted] received a cancellation of his orders and he was instructed to report back to [redacted] for assignment to this Agency. This action, at the request of CIA, was not a surprise to [redacted] as he had been in consultation with us concerning a possible assignment with this Agency before he departed from [redacted] together with his wife, thereupon drove back to Washington by private vehicle, leaving their children in Dallas. At that time an overseas FE assignment was planned for [redacted] household effects, however, had been packed for shipment to [redacted] and would now require repacking for overseas shipment. It was to supervise this repacking that [redacted] returned to Washington with [redacted].

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3. Since that time there have been a number of developments. [redacted] assignment has changed and he is now scheduled for early assignment to an NEA post. [redacted] has journeyed to Dallas and returned to Washington with the three children. [redacted] has claimed, and received, compensation for his own travel from Dallas to Washington. Both FE and NEA have issued orders ordering [redacted] TDY Dallas to Washington and PCS overseas. It is understood these orders authorize travel for [redacted] and the children, or will be altered so as to do so. [redacted] claim therefore is for the travel of himself and family [redacted] to Dallas and round trip for [redacted] Dallas to Washington (one of her trips Dallas to Washington is authorized by the CIA orders).

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4. We see no basis for reimbursement for [redacted] Dallas to Washington round trip. Travel and transportation costs from his home to Washington to an overseas assignment may be authorized for an officer and his family under certain circumstances, but [redacted] made (a part of) two such trips. Further, although [redacted] actions were cooperative with this Agency, the McGee travel situation was not caused by the peculiar functions of this Agency and would not justify invoking the special powers of this Agency.

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5. As to the [redacted] to Dallas travel, that was performed pursuant to orders and a PCS assignment [redacted] having no connection with this Agency. Under ordinary rules [redacted] would be the unit, if any, which would reimburse for this travel, and [redacted] has refused the claim, apparently on the theory that the date of cancellation was such that travel allowances would not be authorized. (Under Case 16(b), JTR 4156, travel allowances, in the [redacted] case, would be authorized if he had received the cancellation on a date which, had the cancellation been received at [redacted] would not have been "before the date he would have been required to depart therefrom to arrive" at [redacted] "on the date indicated in the original orders had he not availed himself of the leave".) Again, there appears to be no basis for departing from the ordinary rules concerning travel by invoking the special authorities of this Agency. It is the opinion of this Office, therefore, that [redacted] claim is not reimbursable.

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6. The file, together with copies of [redacted] orders which have been furnished us, are returned herewith.

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[redacted]

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Assistant General Counsel

Enclosures